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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tadashi Nagaso

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09/27/2005

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EXAMINER

WALLERSON, MARK E

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,947

Applicant(s)

NAGASO, TADASHI

Examiner

Mark E. Wallerson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Part III DETAILED ACTION**

*Notice to Applicant(s)*

1. This action is responsive to the following communications: amendment filed on 7/6/05.
2. This application has been reconsidered. Claims 1-8 are pending.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 3, 4, 5, 6, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Morikawa (U.S. 5,812,901).

With respect to claims 1, 6, and 8, Morikawa discloses an image forming device (figure 1) having a function for suspending a current job and executing an interrupting job (the abstract), comprising a plurality of paper feeding trays (80); and a judging portion for deciding whether the interrupting job can be permitted to use a designated paper feeding tray selected by the interrupting job (which reads on identifying a sheet feeding outlet selected at an operation of the interruption job) (column 1, lines 47-60), in case the designated paper feeding tray corresponds to the tray used by the current job (column 1, lines 47-60).

With regard to claim 2, Morikawa discloses the judging portion does not permit the interrupting job to print data on paper when a paper feeding tray selected by the interrupting job corresponds to a tray selected by the current job but permits the interrupting job to print data on

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paper when the paper feeding tray selected by the interrupting job is different from the paper feeding tray selected by the current job (column 10, lines 27-45).

With respect to claim 3, Morikawa discloses selecting a different paper feeding tray if the tray selected by the interrupting job corresponds to the tray of the current job (column 11, lines 29-47).

With respect to claims 4 and 5, Morikawa discloses detecting the number of sheets in each tray (which reads on determining whether a tray is empty) and permitting the interrupting job to be executed if the number of sheets in the tray exceeds the number of pages in the job (column 15, lines 26-31).

With regard to claim 7, Morikawa discloses means for “locking out” a feeding tray (which reads on preventing a sheet from being fed) (column 17, lines 37-39).

### ***Response to Arguments***

5. Applicant's arguments filed 7/6/05 have been fully considered but they are not persuasive.

Applicant submits that Claim 1 recites the limitation that, when the designated paper feeding tray for the interrupting job is the same as the paper feeding tray of the current printing job, a judging means determines whether or not the number of sheets needed to complete the interrupting job may impact the current printing job based on an estimate of the amount of paper remaining in the paper feeding tray. If the number of sheets of paper in the designated paper-feeding tray is greater than the number of sheets needed to complete both the current printing job and the interrupting job, then the image-printing device will complete the current printing job

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and then execute the interrupting job. It is unclear to the Examiner where in Claim 1 this subject matter is being claimed. **Accordingly, Applicant is arguing subject matter that is not being claimed with respect to claim 1.**

With regard to claims 2 and 3, Morikawa discloses not permitting the interrupting job to print data on paper when a paper feeding tray selected by the interrupting job corresponds to a tray selected by the current job (column 12, lines 6-10), but permits the interrupting job to print data on paper when the paper feeding tray selected by the interrupting job is different from the paper feeding tray selected by the current job (column 10, lines 27-37).

With respect to claims 4 and 5, Morikawa discloses detecting the number of sheets in each tray (which reads on determining whether a tray is empty) and permitting the interrupting job to be executed if the number of sheets in the tray exceeds the number of pages in the job (column 15, lines 26-31).

With regard to claim 7, Morikawa discloses means for “locking out” a feeding tray (which reads on preventing a sheet from being fed) (column 17, lines 37-39 and column 21, lines 8-12).

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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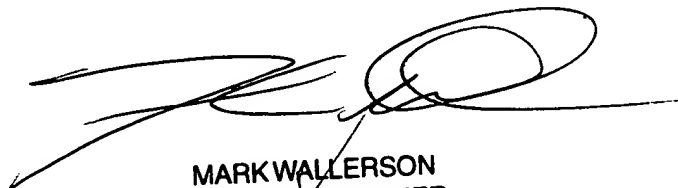
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson  
Primary Examiner  
Art Unit 2626



MARK WALLERSON  
PRIMARY EXAMINER